

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ASBURY AUTOMOTIVE GROUP, INC.,	§	
et al.	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 4:24-cv-00950-O
	§	
THE FEDERAL TRADE	§	
COMMISSION, et al.	§	
	§	
Defendants.	§	

AGREED ORDER

Pending before the Court is Plaintiffs’¹ Opposed Expedited Motion for Preliminary Injunction Staying FTC Proceeding Pending Adjudication of the Asbury Plaintiffs’ Constitutional Claims (ECF No. 6) (“Plaintiffs’ Motion”). Defendants have advised that they will respond to Plaintiffs’ Motion and will also file a motion to dismiss (“Defendants’ Motion”). Complaint Counsel and Plaintiffs will file a joint motion before the Federal Trade Commission (“FTC”) seeking to extend all dates in the FTC administrative proceeding Scheduling Order by four months. The parties have agreed to the following briefing schedule for Plaintiffs’ Motion and Defendants’ Motion. It is therefore,

ORDERED that the following briefing deadlines are adopted:

November 12, 2024: Defendants shall file a Response to Plaintiffs' Motion and a separate brief in support of Defendants' Motion;

December 10, 2024: Plaintiffs shall file a Reply in support of Plaintiffs' Motion and a separate Response to Defendants' Motion; and

December 24, 2024: Defendants shall file a Reply in support of Defendants' Motion.

¹ The Plaintiffs are also referred to in the Complaint as “The Asbury Plaintiffs.” They are Plaintiffs Asbury Automotive Group, Inc., Asbury Ft. Worth Ford, LLC, McDavid Frisco – Hon, LLC, McDavid Irving – Hon, LLC, and Ali Benli.

It is further **ORDERED** that if by 5 pm ET, Monday, October 28, 2024, the Commission does not grant the joint motion to extend all dates in the Scheduling Order by four months in the FTC proceeding styled *In the Matter of Asbury Automotive Group, Inc. et. al.*, FTC Docket No. D-9436 (the “FTC Proceeding”), Plaintiffs may file a motion seeking an interim stay of the FTC Proceeding for up to four months pending disposition of Plaintiffs’ Motion and Defendants’ Motion, without prejudice to Plaintiffs’ right to seek a longer stay.

SO ORDERED on this **22nd day of October, 2024.**


Reed O'Connor
UNITED STATES DISTRICT JUDGE